

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1, 2, and 4-20 are pending. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks herein.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement on May 9, 2001. An initialed copy of the Form PTO-1449 has not been received from the Examiner. In the Amendment filed April 22, 2002, Applicant requested that this be sent, and it still has not occurred. Applicant again requests that the Examiner return an initialed copy of the Form PTO-1449 at his earliest convenience.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 8 and 12 as being allowable if rewritten in independent form. With regard to claim 12, Applicant wishes to point out that this is an independent claim. Applicant, therefore, believes that the claim is allowed, rather than being allowable if rewritten in independent form. As to claim 8, this claim now depends from claim 20 which, in turn, depends from claim 1.

Cited References

In the present Office Action, the Examiner has newly cited Kline et al. (U.S. 6,338,437) and Yates et al. (U.S. 6,256,945). However, Applicant wishes to point out that both of these references have filing dates which are predicated by the priority date of the present application. Whereas Klein et al. and Yates et al. have filing dates of May 13, 1999, and June 13, 1999, respectively, the present application claims priority from FI 982430, filed November 9, 1998. Accordingly, these patents may not be used as references against the present application, and the rejection of claim 3 over the combination of the Stein et al. publication and the Yates et al. patent. is improper.

Rejection under 35 U.S.C. §102(b)

Claims 1, 2, 5, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Stein et al. This rejection is respectfully traversed.

The Examiner states that the Stein et al. publication teaches mechanical and electrical equipment for buildings which have a spatial structure and define interior spaces where the climate in each separate spatial zone can be individually regulated. By way of the present Amendment, Applicant has added a limitation to the end of claims 1 and 9 which was previously

recited in claim 3. Since this rejection was not applied against claim 3, Applicant submits that the claims define over this rejection.

Rejection under 35 U.S.C. §103(a)

Claims 4, 6, 7, 10, 11, and 13-15 are rejected under 35 U.S.C. §103(a) as being obvious over Stein et al. This rejection is respectfully traversed.

These claims all depend from allowable independent claims 1 and 9 and are allowable based on their dependency from allowable independent claims. Further, each of the claims includes limitations not seen in the cited references. The Examiner states that the various features would be obvious design choices. However, Applicant submits that there is no motivation to amend the Stein et al. reference except in hindsight after reviewing the present application. Accordingly, Applicant submits that the claims are not obvious over the references.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the references relied upon by the Examiner, either alone or in combination. Accordingly,

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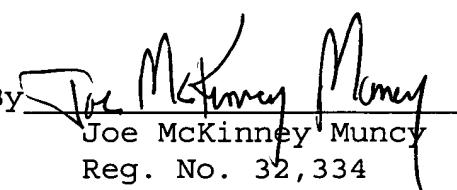
reconsideration of the rejections and allowance of all the claims are respectfully requested.

If there are any outstanding issues, however, the Examiner is invited to telephone Robert F. Gnuse, Reg. No. 27,295, at (703) 205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

A marked-up copy of the amended claims is attached.

Respectfully submitted,
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1390-124P
Attachment
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MARKED-UP COPY OF AMENDED CLAIMS 1, 8, 9

1. (Thrice amended) A spatial structure arranged especially for spending of leisure, said structure comprising wall and, correspondingly, roof structures which define one or several interior spaces separated from the ambient open-air, wherein several at least partially closed separate spaces for human activities are arranged in an unitary interior space, or in immediate connection thereto, wherein the climate in each separate space can be separately regulated to mimic mutually differing geographically related climatological conditions for such activities so that the temperature of at least one separate space corresponds to the winter temperature of Nordic or Arctic areas.

8. (Thrice Amended) A structure as defined in claim [1] 20, wherein [at least one separate space comprises a] said water area or pool [having] includes an ice cover and is arranged for winter swimming and/or winter jig fishing or similar activity, said pool suitably having fish or the like water animals located therein.

9. (Thrice Amended) A method for presenting different geographically related climatological conditions and activities

related to the cold season of the year, wherein the temperature in functionally interconnected essentially closed separate spaces is separately regulated to correspond to the appropriate climate so that human activities or functions corresponding to a respective climate condition are brought to implementation in a space which suitably has a mean temperature of the respective climate, one of which being winter conditions of the Nordic or Arctic areas.